

1 BILL NO. Z-82-08- 08

2 ZONING ORDINANCE NO. Z- Spec.

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. H-3.


5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is
8 hereby designated a B-1-B (Limited Business) District under
9 the terms of Chapter 33 of the Municipal Code of the City of
10 Fort Wayne, Indiana of 1974:

11 All of Lot #30 and the North 38-3/4 feet
12 of Lot #41 in Interurban Acre Addition,
13 to the City of Fort Wayne, according to
the recorded Plat thereof,

14 and the symbols of the City of Fort Wayne Zoning Map No. H-3,
15 as established by Section 11 of Chapter 33 of the Municipal
16 Code of the City of Fort Wayne, Indiana of 1974, are hereby
17 changed accordingly.

18 SECTION 2. That this Ordinance shall be in full force
19 and effect from and after its passage, any and all necessary
20 approval by the Mayor, and the legal publication thereof.

21
22 
Councilmember

23 APPROVED AS TO FORM
24 AND LEGALITY

25 
26 Bruce O. Boxberger, City Attorney
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Read the first time in full and on motion by Eisbach,
seconded by Steen, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M., E.S.T.

DATE: 8-10-82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Eisbach,
seconded by Steen, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>0</u>	<u>9</u>			
<u>BRADBURY</u>		<u>X</u>			
<u>BURNS</u>		<u>X</u>			
<u>EISBART</u>		<u>X</u>			
<u>GIAQUINTA</u>		<u>X</u>			
<u>SCRUGGS</u>		<u>X</u>			
<u>NUCKOLS</u>		<u>X</u>			
<u>SCHMIDT</u>		<u>X</u>			
<u>SCHOMBURG</u>		<u>X</u>			
<u>STIER</u>		<u>X</u>			
<u>TALARICO</u>		<u>X</u>			

DATE: 9-14-82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____.

ATTEST:

(SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____, at the hour of _____
o'clock _____ M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR

BILL NO. Z-82-08-08

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. H-3

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO NOT PASS.

BEN A. EISBART, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

PAUL M. BURNS

VICTURE L. SCRUGGS

ROY J. SCHOMBURG

9-14-82
CONCURRED IN

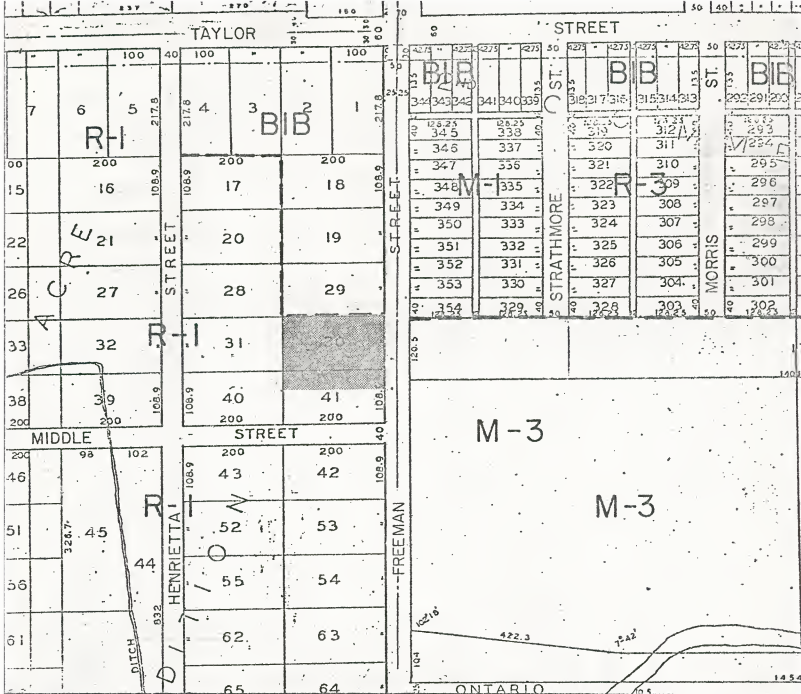
DATE 9-14-82 CHARLES W. WESTERMAN, CITY CLERK

RECEIPT

No 8053

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 7-23 1982RECEIVED FROM James R. [unclear] \$ 50.50THE SUM OF Forty and 50/100 DOLLARSON ACCOUNT OF FT. WAYNE C.D.P.[Signature]
AUTHORIZED SIGNATURE



REQUEST TO CHANGE FROM R-1 TO BIB ZONING

MAP NO. H-3

BY WILLIAM H. NESBITT 7-26-82

Z-82-08-08



RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATEI/We James R. Beumer
(Applicant's Name or Names)do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne
Indiana, by reclassifying from a/an R-1 District to a/an B-1-B
District the property described as follows:All of Lot #30 and the North 38-3/4 feet of Lot #41 in Interurban Acre Addition,
to the City of Fort Wayne, according to the recorded Plat thereof.

(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one
percentum (51%) or more of the property described in this petition.

<u>JAMES RAY BEUMER</u>	<u>2122 FREEMAN ST CITY</u>	<u>James R Beumer</u>
<u>RAY & WERDA MAHLOTT</u>	<u>2116 FREEMANS ST CITY</u>	<u>Ray Mahlott</u>
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>James R. Beumer</u>	<u>2122 FREEMAN ST 46804</u>	<u>436-5680</u>
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 10, 1982, referred a proposed zoning map amendment to the City Plan Commission which proposed change was designated as Bill No. Z-82-08-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 16, 1982;

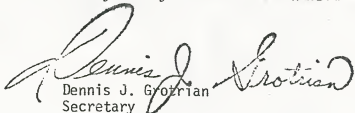
NOW THEREFORE BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 23, 1982.

Certified and signed this
24th day of August 1982.


Dennis J. Grodzian
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

24 August 1982

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held August 23, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-82-08-08
2. From R-1 to B-1-B
3. Intended Use: Tire Store
4. Plan Commission Recommendation: DO NOT PASS


This ordinance received a DO NOT PASS recommendation for the following reason:

REASON: The use and value of the area adjacent to the property included in this rezoning will be adversely affected. We would recommend the applicant make application to the Board of Zoning Appeals for a use variance.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING


Gary F. Baeten
Senior Planner

GFB:pb

Attachments

TITLE OF ORDINANCE Zoning Ordinance Amendment

3-82-08-08

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&PSYNOPSIS OF ORDINANCE All of Lot #30 and the North 38-3/4 feet of Lot #41in Interurban Acre Addition, to the City of Fort Wayne, according to the recorded
Plat thereof.EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential.Property will become B-1-B - Limited Business.EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____